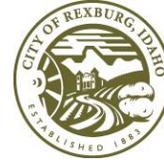


Planning & Zoning Minutes

July 16, 2009



CITY OF
REXBURG
America's Family Community

Rexburg, ID 83440

www.rexburg.org

Phone: 208.359.3020

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Commissioners Attending;

Winston Dyer – Chairman
Thaine Robinson Richie Webb
Ted Hill Dan Hanna
Gil Shirley Mary Ann Mounts
Nephi Allen

City Staff and Others:

Shawn Larsen - Mayor
Rex Erickson – City Council Liaison
Gary Leikness – P&Z Administrator
Steve Christenson – IT Manager
Natalie Powell – Compliance Officer
Elaine McFerrin – Secretary

Chairman Dyer opened the meeting at 7:02 pm. He welcomed the Mayor, staff members, and concerned citizens.

Roll Call of Planning and Zoning Commissioners: Gil Shirley, Richie Webb, Nephi Allen, Winston Dyer, Thaine Robinson, Ted Hill

Presentation:

Charles Andersen – Planning & Zoning Commissioner – Recognition of Service

Mayor Shawn Larsen presented **Charles Andersen** with a special plaque in recognition of his years of service as a Planning & Zoning Commissioner for the City of Rexburg, from April 20, 2005, to June 2, 2009. There have been significant changes over the years he has served as a Commissioner, and he has helped shaped those changes in a positive way. On behalf of the City of Rexburg, he thanked him for his dedicated service.

Chairman Dyer said the Commission recognizes **Charles Andersen's** great contributions and appreciates his practical sense and experience that he brought to the Commission. He will be missed.

The Mayor said a positive note is that the City will continue to enjoy working with **Charles Andersen** through projects with BYU- I.

Dan Hanna and **Maryann Mounts** arrived at 7:05 pm.

Minutes:

1. Planning and Zoning meeting - June 18, 2009

Nephi Allen motioned to approve the Planning & Zoning minutes of June 18, 2009. **Thaine Robinson** seconded the motion.

Mary Ann Mounts, Dan Hanna, and Richie Webb abstained for not having been present.

None opposed. **Motion carried.**

Public Hearings;

7:05 pm - Conditional Use Permit – Park View Apts. Amendment – an amendment to an existing CUP to allow an additional 9 units of dormitory housing, and an amendment to the CUP to allow a 6-plex.

Chairman Dyer explained the public hearing process. The applicant or a representative will explain the proposal to the Commission. The Commissioners will then ask any questions to clarify their understanding of the proposal. Staff will be asked questions by the Commission if necessary. Public input will then be taken. After public input is closed, the Commission will deliberate and make a recommendation to City Council.

Cory Sorensen, 154 South 3rd West, applicant, and part owner of Park View Apartments. He has lived in Rexburg almost 10 years. He has been managing the apartments for 6 years – they are dormitory style. They are proposing to amend their original Conditional Use Permit to allow for an additional 6-plex (36 beds), which requires a conditional use permit. They are also planning to add a 3-plex (18 beds). They are working to get University housing approval. There is a need for dormitory style housing in the community, and they would like to help fill this need. Mr. Sorensen stated he gets calls almost daily asking if apartments are available. The block where this property is located is mostly dormitory-style housing. Their plan is to lay out the apartments to make use of the existing walkways through Porter Park that students would use going to and from the campus. He pointed out the apartment complex's main sidewalk on the provided map of the area. He thought a crosswalk could be proposed near that location.

Thaine Robinson asked where they are building on the property and if existing units are being torn down.

Cory Sorensen explained that the planned 6-plex will be located where there now is a manufactured home that he lives in – this manufactured home would be removed. He pointed out the area on the map. The 6-plex will be a 3-story building. The front of the new 6-plex will face north. The design will be very similar to the picture provided with the application.

Chairman Dyer asked about the parking that will be provided.

Corey Sorensen stated they have 112 stalls, and only 104 stalls are needed. There would be 86 beds. The house on the south corner was not part of the original conditional use permit and would require a separate permit.

Chairman Dyer asked about property to the north.

Cory Sorensen said it was the Mountain Crest Apartments. They are also dormitory housing.

Chairman Dyer asked Gary Leikness the terms of the original Conditional Use Permit.

Gary Leikness said there was only one condition – the trash receptacles needed to be located in the rear of the building. That is addressed in his staff report, along with several other proposed conditions.

Dan Hanna asked Gary Leikness if there were any site plan issues regarding parking and landscaping.

Gary Leikness said the site plan, along with any conditions will be reviewed during the building permit process. Potential parking issues can be seen on the map that accompanies his Planning staff report. He recommended focusing on the hatched areas shown on this map. The area is Medium Density Residential One (MDR1).

Thaine Robinson asked if this proposed development fits in well with this zone or if it would be a better fit in a high density zone.

Gary Leikness stated the intent is to integrate single family homes with apartments. The Commission would need to decide if additional dormitory housing is appropriate for this location.

Gil Shirley asked how many stories the existing buildings to the north are.

Cory Sorensen said they are 2-story buildings. There is one existing 3 story building. He stated that Val Christensen, the City's Building Official, recommended everything be built above ground rather than with a basement.

The map of the property was shown on the overhead screen.

Dan Hanna asked about foot and car traffic on that road.

Mr. Sorensen said the plans are to get rid of one of the 3 access points, the one that is closest to the intersection. The 2 remaining access points would be further away from the intersection. They would like a crosswalk in the area because there will be many students crossing to campus and back home. He reiterated that they are trying to focus all their generated foot traffic onto Porter Park walking paths.

Mary Ann Mounts said the traffic in the area is horrible, especially in the summer. Her concern is when cars exit on to the road, many children are running back and forth across the street to the splash park in Porter Park.

Cory Sorensen thought part of the green space could be taken so that there would be parallel parking on both sides of the street, rather than angled parking on one side. They would be willing to pay for their portion along the front of their property. He had been told to go to the Mayor with this idea.

Chairman Dyer opened the public input portion of the hearing.

In Favor: None

Neutral:

J.D. Hancock 124 South 1st West, and representative of the property across the railroad tracks from this location. He was born at 142 South 3rd West, his grandmother's home. He grew up in that area. His concern is which single family dwelling is going to remain.

Gary Leikness said there are no single family homes on this proposal. There is the existing office addition that was approved in 2005 to have 4 students.

Mr. Hancock said so many single family homes have been changed into student apartments; this has changed the complexion of the neighborhoods. His concern is what is happening - he said the notice he received did not provide enough information.

Gary Leikness clarified that public hearing notices give very brief descriptions and that full information of a proposal is available to the public at the City offices.

Mr. Hancock said to maintain the integrity of the City's zoning, they should not go beyond what is considered a permitted use. People want to maximize the use of their property, but it should be done without compromising the integrity of the neighborhood. Traffic is a major concern, as is access on to South 3rd West. Porter Park should not be taken up for any public parking. Provisions for guest parking are a concern. Things are being stretched far beyond what the zone ordinance intends.

Opposed: None

Written Input: None

Chairman Dyer closed the public input portion of the hearing and asked Gary Leikness for his staff report.

Gary Leikness stated this proposal is an amendment to an existing Conditional Use Permit. The original approval allowed for 32 students (dormitory) and a single family unit. Tonight's proposal is to allow 54 more dormitory units, for a total of 86 student dormitory units and one "family" unit.

Mr. Leikness has provided the Commission with the criteria for a conditional use permit to help with their decision. There are 15 proposed conditions of approval.

The "family" unit mentioned in condition #1 remains the same; it was approved in 2005 as a duplex and would hold not more than 4 students. The applicant is working with the University for approval of the housing.

Mary Ann Mounts asked about the measuring of vehicle trips in the area that would show traffic increase. She questioned whether this proposal was safe because it would bring about 50 more cars to the area during peak traffic hours. She also was concerned about this proposal meeting the conditional use permit criteria that calls for a conditional use permit to not create a safety hazard through excessive traffic generation or interference with the pedestrian traffic in the area. The street is out of control now, so any addition is going to add to that. She would like the Commission to take this into consideration.

Richie Webb clarified that the proposal is not in the PEZ zone. Gary Leikness said that was correct.

The Commission discussed the proposal.

Chairman Dyer said the uses in the proposal are consistent with what is in the area.

Dan Hanna asked about the width of the street.

Chairman Dyer said it was standard width but with the diagonal parking near the carousel, it feels narrower.

The Commission could consider tabling the proposal until the Traffic Safety Committee meets next month.

Thaine Robinson expressed that the site plan appears awkward both for the City and the owner. He does not see this proposal as a permanent change, as the area has gone through several changes over the years.

Dan Hanna felt that with what is currently in this area, this proposal is not too bad of a fix for this property.

The traffic situation of the area was discussed further.

Mary Ann Mounts feels the proposal should be tabled for the Traffic Safety Committee's review. Her concern is the increased traffic and pedestrian safety.

Richie Webb commented that students who live close to campus often park in that area and walk to campus, but they have their vehicles available for the weekend. He wondered if some kind of factor, as part of a traffic study, could be found to track this kind of student parking to see its impact on an area.

Nephi Allen said the proposal fits the zoning. If the park was not there, the Commission would not be having this discussion. He sees the issue as more a City issue rather than a developer issue. He likes the proposal.

The issue of evaluation by the Traffic Safety Committee could be included in the conditions of approval.

Gary Leikness suggested prior to a building permit being issued, the Commission could make it a condition that the applicant meet with the Traffic Safety Committee.

Dan Hanna motioned to recommend approval to City Council of a conditional use permit for an additional 54 units of dormitory housing (total of 86 units), for Park View Apartments on South 3rd West to include **the fifteen (15) proposed conditions of approval from Planning staff plus a 16th proposed condition of approval** that the conditional use shall be subject to a review by the Traffic Safety Committee to determine if any recommendations need to be adopted to increase vehicular and pedestrian traffic safety in cooperation with the developer and the City of Rexburg prior to issuance of a building permit. **Ted Hill** seconded the motion. The motion was discussed.

Those in Favor:

Ted Hill
Dan Hanna
Winston Dyer
Nephi Allen
Gil Shirley
Thaine Robinson
Richie Webb

Those Opposed:

Mary Ann Mounts

Mary Ann Mounts asked that the record reflect that she is opposed because she would have liked the proposal to have been tabled until after the Traffic Safety Committee had done a review.

Motion carried.

***Park View Apts Amendment
Proposed Conditions of Approval***

1. *Approval is for 86 student dormitory and 1 "family" unit. Any increase from this number in the future shall require an amendment to this Conditional Use Permit.*
2. *Approval does not include property on South west corner, this will need to come under a separate permit.*
3. *Trash receptacles should be fully screened from the public right-of-way and should not be visible from adjacent residential property.*
4. *There should be no outside storage of material or equipment unless fully screened from public right-of-way. This screening, if in it self is deemed objectionable by affected property owners, should be reviewed and approved by the Planning Commission or designee.*
5. *As waste generation is increased, and to avoid overflow of trash receptacles, each unit shall have its own, full-sized, trash receptacle available for regular trash "pick-ups"*
6. *A site plan reflecting all conditions of approval and incorporating all City standards, e.g. landscaping, parking, etc. shall be submitted and approved by the City prior to the issuance of a building permit. Landscape plan shall include evidence that an area of 30% or more of the individual lots is being observed.*
7. *Lighting shall be low (under 15-feet in height) and not create glare, and as a minimum shall adhere to the City's lighting ordinance. Any proposed lighting would need to be submitted to the City for review and approval subject to the submittal and approval criteria found in the development code.*
8. *Required parking shall be located 20-feet behind the property line for property located along S 3rd West.*
9. *Areas of impervious surface that are not approved parking spaces and that are not used as a vehicle aisle shall be constructed, or restored to a landscaped area with trees and shrubs to; this will ensure proper screening of parking areas, and prevent unapproved parking from occurring.*
10. *Parking areas shall be adequately screened from the public right-of-way and adjacent residential properties. Screening must include the use of deciduous trees and evergreen trees to ensure non-seasonal screening. Deciduous trees shall be planted with a minimum size of 2-inch caliper DBH. Evergreen trees shall be 7-feet tall at planting. Shrubs shall include 5-gallon containers as a minimum.*
11. *Parking areas should have raised concrete curbing near landscaping areas to ensure that these areas remain well defined, which will prevent impromptu parking of vehicles.*

12. *Signage shall be designed in a monument style though the use of brick or decorative masonry base and wood material to compliment the surrounding neighborhood and suggest permanence which is consistent with an established neighborhood.*
13. *To encourage alternative travel options, which are likely to decrease vehicular trip generation, short term bicycle parking shall be provided. As a minimum, short-term parking shall be provided at a ratio of 1 space per 5 students. Parking areas shall be well defined and include bicycle racks and concrete pads.*
14. *Applicant shall provide all required vehicle and bicycle parking spaces and outside of the required front yard setback.*
15. *An approved building permit must be obtained prior to the issuance of a conditional use permit for the uses requested.*
16. *The conditional use shall be subject to a review by the Traffic Safety Committee to determine if any recommendations need to be adopted to increase vehicular and pedestrian traffic safety in cooperation with the developer and the City of Rexburg prior to the issuance of a building permit.*

Unfinished/Old Business: None

New Business: None

Non controversial Items Added to the Agenda:

1. Jon Gregory: Hemming PRO-Zone - Pickett's Bambino Restaurant
2. Richie Webb – Hemming PRO Zone

Richie Webb recused himself due to a direct conflict of interest.

Jon Gregory, 204 West 225 North, Blackfoot, representing Bambino's Restaurant in the Hemming PRO-Zone. Since the last meeting they have made some improvements on their proposed site plan, which the Commission has been provided with. They have reconsidered and moved the proposed Bambino's location to the current Backyard restaurant location; the Backyard will eventually be torn down. The drive-thru window is in what they feel is a better location, on the north side of the building.

The entrance driveway would be about mid-block.

Richie Webb, 680 Wheatland Drive, representing the Hemming PRO-Zone, stated that 2 other buildings (2 different businesses) are planned for just north of Bambino's. Each building is about 1600 square feet. The Commission was provided with copies of this proposed site plan. He pointed the area out on the projected map. They want to provide the required adequate parking, and they want the location to be pedestrian friendly. The currently existing storage units' removal is planned, but eventually they may consider putting storage units in another area of the Hemming PRO-Zone if allowed, as student storage is needed.

Gary Leikness said storage units could be possibly considered an accessory to existing student apartments.

Richie Webb stated frontage near the planned corner location business would have a sidewalk café atmosphere.

The Commissioners discussed the presented information.

Chairman Dyer said the site plan is significantly improved from the last presentations and lays out quite nicely for vehicle and pedestrian movement, distance from the corner, and separation.

The proposed site plan for part the Hemming PRO-Zone (and Bambino's) will go to City Council for their input.

Richie Webb stated that representatives of the Hemming PRO-Zone were charged with coming back before and informing the P&Z Commission and City Council of any additions they wish to make to the approved Hemming PRO-Zone, to make sure everything complies and fits in the Hemming PRO-Zone. They want to do whatever is required.

Chairman Dyer stated the information presented helps the Commission to see and understand, so that the development moves forward in the best possible way. It was intended that this ordinance be development specific. The overall coordination of all uses and how they integrate together as a complete development that is congruent and consistent with the neighborhood character, is the intent.

Gary Leikness stated that the Commission could move forward and make a recommendation to City Council if they feel the proposal is in harmony with the intent of the original Hemming PRO-Zone. Tonight's presentation was not of a final site plan; final site plan approval will be subject to staff review.

Mary Ann Mounts motioned to send the proposed site plan, for Bambino's Restaurant/Hemming PRO-Zone (site plan document labeled "Option 5") which the Commission sees as harmonious with the intent of the original Hemming PRO Zone, to City Council for their consideration. This site plan is not a final site plan; the final site plan approval will be subject to staff review. **Dan Hanna** seconded the motion.

There was further discussion.

Gary Leikness recommended that an update of the master plan map for the Hemming PRO-Zone be submitted to the City.

Richie Webb will see that an update of this master plan map is submitted.

None opposed. **Motion carried.**

Compliance:

Natalie Powell, Compliance Officer, has contacted property owners of unattended vacant lots as well as homeowners throughout the City that have tall weeds and are in violation of City Ordinance 706. They have been asked to maintain their property in a manner so as not to be a nuisance or a fire hazard. There has been a lot of progress on the unsightly weed problem in the Henderson Subdivision, as well as throughout the City.

A Home Owners Association is currently being formed in the Pioneer Road area; this HOA will be responsible to maintain the weeds between Pioneer Road and the fence.

The issue on Casper Ave where homeowners are concerned about the 2 foot berm with a 6 foot fence on top to be used as a buffer between the existing homes and the new apartment complex is progressing positively; the fence will be completed by the end of the month.

Several new business signs have been approved and installed. The problem with garage sale signs being taped to utility poles and stop signs has been addressed and appears to be getting better.

Ted Hill said the 2 semis that were an earlier problem need some attention again. One is located west of the high school just around the corner. The other semi is still parking near the Carousel. Natalie Powell will contact the drivers as well as the owners of the trucks.

The issue of a garden being located in the right-of-way has been addressed.

Gil Shirley asked if the South 2nd East property near Harvard Avenue has had the weeds mowed down. Natalie Powell said that the property owner has complied, and the weeded area has been cleared.

Harvest Heights, as well as some other subdivisions within the city, also have weed problems which are being addressed.

There is only 1 home in the Founder's Square area; weed problems in this area are being taken care of by the developer.

Compliance issues are continually being worked on throughout the City.

Chairman Dyer reported on the ongoing Development Code clean-up meetings. The City Council was concerned that the City's design standards might be driving people away from Rexburg, and the thought of doing away with the design standards was considered. The Mayor tabled any action on Development Code 926 changes, and he put together a committee to go page by page through the entire document. The Committee is made up of Mayor Larsen, Gary Leikness, Winston Dyer, Val Christensen, Johnny Watson, Bart Stevens, and Richard Woodland. It was decided to take Design Standards out of each zone and give them their own chapter. The committee is cleaning up the document and getting rid of statements that are confusing. They are about half way through the 300-plus page document.

The Commissioners discussed the issue.

Chairman Dyer stated it is incumbent on them to make this community the very best it can be. There is the spirit of compromise at these meetings. The Mayor would like to streamline (time wise) the process.

Mary Ann Mounts thanked **Chairman Dyer** for his taking part in these meetings and representing the P&Z Commission in helping to keep the Design Standards as part of the City's Development Code 926.

Ted Hill briefly reported on the Design Review meeting that was held this week on July 14th for the Madison County Quonset building that will be relocated by the County to the north Airport Road just east of Hwy. 20. There will not be an office on the site, so the committee attempted to deal with the visibility of the industrial building with landscaping and a berm. The issue was briefly discussed.

Report on Projects: None

Tabled Requests: None

Building Permit Application Report: None

Heads Up:

Gary Leikness briefly went over several heads up items:

August 6, 2009 P&Z agenda:

- Rezone – Kartchner
- CUP – L.D.S Seminary for the new high school
- Comprehensive Plan Map Amendment – Richard Smith
- Comprehensive Plan Map Amendment – Trent Birch
- Comprehensive Plan Map Amendment – Jon Gregory

August 20, 2009 P&Z agenda:

- CUP – L.D.S Church Summerfield
- CUP – Teton Communications Cell Tower
- CUP – Greenbrier PEZ
- Preliminary Plat – Tamana Fields, Division 1
- Final Plat – Pioneer Village 1st Amended Plat

The meeting was adjourned at 9:20 pm.